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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 620,108	07 20 2000	Christopher G. Hipp	067856 0110	2743

7590 07 16 2003  
Baker Botts LLP  
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Dallas, TX 75201-2980

EXAMINER

BUI, HUNG S

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 07 16 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/620,108

Applicant(s)

HIPP ET AL.

Examiner

Hung S Bui

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,6,8
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Applicant must provide serial numbers and filing dates of related applications. All references to attorney docket numbers must be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 4-5, it is unclear what applicant intends by the communication paths forming at least a portion of a coupling between the first and second connectors. In line 6, the configuration of the first connector to receive a third connector associated with a mid-plane is unclear.

Regarding claim 10, lines 5-6, the connection of the first and second connectors being adapted to receive a plurality of first Ethernet communication links, through a mid-plane associated with a plurality of web server processing cards is unclear.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 7, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Krishan [US 6,115,755].

Regarding claim 1, Krishan discloses a network interface card (figure 5) comprising:

- a first printed circuit board (60);
- first and second connectors (47, 42) coupled with the first printed circuit board;
- a plurality of Ethernet communication paths (figure 5) forming a coupling between the first and second connectors;
- the first connector being configured to receive signals associated with a PCI interface;
- a chip (36) coupled with the first circuit board and interfacing with the first connector;

Art Unit: 2841

- a first communication link (figure 5) coupling the chip and the second connector, wherein the chip consolidates data received through the first connector for distribution of the data to the second connector;
- a single board computer (62) coupled with the first circuit board; and
- a second communication link (figure 5) coupling the chip with the single board computer.

Regarding claims 2-4, Krishan discloses a third connector (38) coupled to the single board computer and an interface control circuitry (32).

Regarding claim 7, Krishan discloses the use of a switch chip (36).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-6 and 8-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishan in view of Hoang [US 6,459,700].

Regarding claims 5-6 and 24-25, Krishan discloses the instant claimed invention except for the single board computer comprising a second printed circuit board coupled with the first printed circuit board, wherein the second circuit board includes a cpu and memory coupled therewith.

Hoang discloses an interface card (302) coupled with a control card (312, figure 5) having a cpu (510), memory (505) and a repeater chip (512).

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the additional board for the single board computer of Krishan, as suggested by Hoang, for the purpose of providing a network management interface.

Regarding claims 8-9, Krishan disclose the instant claimed invention except for the third connector being a gigabit Ethernet connector.

Hoang discloses the connection between the interface card and the control card handling at least one gigabit.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the gigabit connections for the connections of Krishan, as suggested by Hoang, for the purpose of processing larger amounts of data.

Regarding claims 10-11, Krishan disclose the instant claimed invention except for the additional Ethernet communication links being coupled with the first card circuit board to control a plurality of web server processing cards.

Hoang discloses a network management platform (116) for controlling a plurality of web server processing cards (column 6, line 58 through column 7, line 21).

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the network management platform of Hoang with a plurality of the network interface cards of Krishan, for the purpose of providing control for a plurality of network interface cards.

Regarding claim 12, Krishan discloses the use of a switch chip (36).

Regarding claims 13 and 15, Krishan discloses the instant claimed invention except for the data speed transfer rate.

Hoang discloses a network interface using a repeater chip operable to aggregate all 10/100/1000 megabit persecond Ethernet communication receive through the first and second connectors.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the repeater chip of Hoang with Krishan, for the purpose of enabling the network card to handle all incoming data.

Regarding claims 14 and 16, Hoang further discloses the repeater chip having at least ten ports (figure 5).

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the 10 ports design of Hoang in Krishan, for the purpose of enabling multiple connections.

Regarding claim 17, Krishan discloses a fourth connector coupled with the first circuit board (figure 5).

Regarding claim 18, Hoang further discloses bus (112) interconnecting the plurality of web server processing card (figure 1a) via an additional connector.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the bus design of Hoang in order to provide intercommunication between the web server processing cards.

Regarding claims 19-21 and 23, Krishan in view of Hoang disclose the instant claimed invention except for the third connector including an RJ -21 connector, the hub including a 10/100 base T switch having fiber/copper gigabit uplinks and the first connector including a serial port.

Official notice is taken to the effect that the specific type of connector and hub would have been selected based on the type of data.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishan in view of Hoang, as applied to claim 12 above, and further in view of Yona et al. [US 6,418,120].

Regarding claim 22, Krishan in view of Hoang disclose the instant claimed invention except for the use of package header and port addresses associated with the network component.

Yona et al. disclose a ATM switch using package header and port addresses associated with the network component (column 1, lines 47-64).

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use package header and port addresses associated with the network components in Krishan in view of Hoang, for the purpose of routing the data.

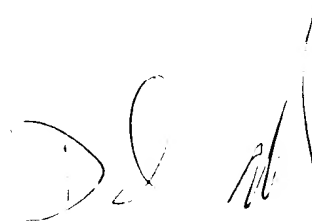
**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S Bui whose telephone number is (703) 305-8024. The examiner can normally be reached on Monday-Friday 8:30AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S. Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0956.

HB  
7/8/03



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